

SUBDIVISION

Total / Partial Vacation of a Subdivision Plat ~~without Replatting~~

~~June 2000~~

May 2012

CITY OF AUSTIN

A: PLAT VACATION GENERAL OVERVIEW

GENERAL INFORMATION

This packet outlines the procedures and submittal requirements necessary to obtain approval of a total or partial vacation of a subdivision plat within the City of Austin planning jurisdiction. The planning jurisdiction includes the full-purpose and limited-purpose city limits, as well as the extraterritorial jurisdiction (ETJ), which extends 5 miles beyond the full-purpose city limits. The regulatory requirements and procedures for approval are defined in Volume III, Chapter 25 and Title 30 of the Code of the City of Austin, as well as Chapter 212 of the Local Government Code of the State of Texas.

Additional information about the subdivision process and code requirements can be obtained prior to submitting an application by contacting the Development Assistance Center (DAC) on the first floor of One Texas Center, 505 Barton Springs Road, phone 974-6370, or by visiting the City of Austin's Development Process and One-Stop Shop website at <http://www.austintexas.gov/department/development-assistance-center>. The City of Austin encourages people considering site development to request a development assessment to determine design requirements, project feasibility, and permitting requirements.

WHAT IS A PLAT VACATION?

ORDINANCE REFERENCE – Title 25 of the City Code; Chapter 212 of the Local Government Code.

GENERAL DEFINITION

A full or partial plat vacation destroys the force and effect of the prior subdivision plat on the subject property. A ~~(full total vacation)~~ eliminates an entire subdivision plat, including all lots and public rights-of-way, as well as any restrictions that may have been contained on the plat. A partial vacation eliminates ~~or only~~ the designated lots, public rights-of-way, and/or plat restrictions (partial vacation) indicated in the vacation document.

Once the vacation document has been properly prepared, signed, notarized, approved and recorded, the real estate description reverts to the original survey or any underlying subdivision. A lot may not be partially vacated; the vacation must include the entire lot.

Please be advised that the ~~Watershed Protection~~ Planning and Development Review Department cannot recommend approval of a vacation of a lot or plat which receives utility services unless the property is legally platted with a legal lot from a previous underlying subdivision or is concurrently replatted. To replat the property, a new subdivision application must be filed (see application packet #9) in addition to the vacation application. Also, be aware that all plat vacations (partial or total) ~~documents require the signatures of 100% of the property owners in the subdivision who own intact original lots as shown on the original plat as required by State Law per Section 212.013 of the Local Government Code. Applications will not be accepted without all of the signatures having been obtained prior to submittal for completeness check.~~

WHO APPROVES PLAT VACATIONS?

Under state law, vacations must be approved in the manner that the original plat was approved. Therefore, if the original plat was approved by the City's Land Use Commission, approval by the Commission is required to vacate the plat. If the original plat was approved by the County Commissioners Court, approval by the Court is required to vacate the plat (County Commissioners Court approval is not required if the site is now located in the full purpose jurisdiction of the City). If the original plat was approved administratively, then it can be vacated by approval of the Director of the Planning and Development Review Department.

B. PLAT VACATION PROCEDURES

The procedures for review and approval of plat vacation applications are based on Volume III, Chapter 25 and Title 30 of the City of Austin Code. The process is summarized below:

Step I: DEVELOPMENT ASSESSMENT (Optional)

A person may request an assessment of a proposed development **prior** to formal submittal by contacting the Development Assistance Center (DAC). The assessment is based on the information provided by the applicant at the time that an assessment is requested. An assessment of the project includes applicable code requirements pertaining to the site and identification of major development issues. A Development Assessment application (Application Packet #01) can be submitted any work day with an appointment to the Intake Office.

Contact:

One Stop Shop – Development Assistance Center

505 Barton Springs Road, 1st Floor

Austin, Texas 78704

Phone : (512) 974-6370

Fax: (512) 974-6305

STEP 2: COMPLETENESS CHECK

In order to submit an application for review, the application must be submitted for Completeness Check. The Completeness Check must be submitted to the **Intake** staff. **Completeness Check hours are from 8:30am to 10:30 am Monday-Friday.** No appointment is necessary. Intake reviews the application and pertinent information to determine if all required administrative items have been submitted. Intake then forwards it to the completeness check team, which determines whether the technical items needed for review have been submitted.

An application for completeness check must include:

- Plat Vacation Application with all required signatures and notaries (copies rather than original signatures are recommended)
- A statement as to the reason that vacation is being requested
- \$200.00 review fee (check, cash, money order or credit card)
- 2 copies of the subdivision plat
- All Items listed on the completeness checklist, located in the Intake Office and available online at http://www.austintexas.gov/sites/default/files/files/Planning/subdivision_plat_vacation_checklist.pdf.

The completeness check review takes a maximum of 10 business days from the date of submittal. The applicant will be notified via e-mail or fax whether the application is complete or additional information is required for submittal. When the application packet is approved, the plat vacation can be formally submitted for a detailed review. When the application is formally submitted, the \$200 completeness check fee is credited to the application fee. **The application must be submitted formally within 45 calendar days of the initial completeness check or it will expire and a new completeness check will be required.**

Contact:

One Stop Shop: Land Use Review - Intake Section

505 Barton Springs Road – 4th Floor

Austin, Texas 78704

Phone: (512) 974-2681 or (512) 974-2350 or (512) 974-7208 or (512) 974-2689

Fax: (512) 974-2620

Travis County: -Transportation and Natural Resources - Development Services

411 West 13th Street, 8th Floor

Austin, Texas 78767-1748

Phone: 854-9383

Fax: 854-4649

STEP 3: FORMAL SUBMITTAL REVIEW PROCESS

The next step is to submit the plat vacation application packet to Intake to start the review process. Electronic copies of the application packet are available online at [http://assets.austintexas.gov/development/onestop/downloads/ 10_sub_vacation_app.pdf](http://assets.austintexas.gov/development/onestop/downloads/10_sub_vacation_app.pdf). Applications may be submitted to Intake Monday through Friday. **An appointment is necessary. Please contact Intake at one of the numbers listed above to schedule an appointment. For submittal, the applicant will need to provide additional copies of the application along with the remaining balance of the fee (which will be listed on the completeness check response).**

A Case Manager with the City of Austin or Travis County is assigned to coordinate interdisciplinary reviews and provide guidance on code requirements and procedures. A review team is also assigned to the project. The team reviews the plans

and prepares a Master Comment Report that contains specific areas of non-compliance. The initial review of the plans by the team can take up to 28 days from the date that the plans were formally submitted. If it the application complies with the provisions of the code and other applicable state and federal regulations, and Commission approval is not required, the subdivision will be approved administratively. The Master Comment Report will be sent to the applicant electronically or by fax. The Master Comment Report can also be viewed on the City of Austin website, <https://www.austintexas.gov/devreview/index.jsp>.

STEP 4: UPDATE

If it is determined that the application does not comply with applicable regulations after the initial review, the applicant must file an update in order to bring it into compliance. All ETJ and Limited Purpose applications require formal updates. **Contact Intake staff to schedule an appointment to submit the update.** Staff reviews the updates within 14 days of receipt, and the Case Manager will issue additional Master Reports identifying remaining items to be addressed. Updates will be required until the application is in compliance or the application expires.

Updates to the application must be filed by the applicant within 180 days after the initial application has been filed. An applicant can request an extension to the 180 day update period if the request is made prior to the 180 day deadline. The request must be made in writing and the reason for the extension should be specified. Extensions may be granted for good cause at the Director's discretion for up to 180 days. The total life of the application (including extensions) cannot exceed 360 days.

STEP 5: PLAT VACATION APPROVAL AND RECORDATION

Once all Code requirements have been met, the Case Manager will notify the applicant that the plat vacation can either be approved administratively or scheduled for Land Use Commission approval if necessary. If Commission approval is necessary, the Case Manager will inform you of the date and time of the public hearing. In addition, if the subdivision is located in Travis County in the City of Austin's extraterritorial or Limited Purpose Jurisdiction, County Commissioners Court approval may also be required after the City Land Use Commission approves the vacation.

After approval by the Land Use Commission, you will be required to submit fees for recording the vacation document. The amount is determined by the number of pages to be recorded and the check should be made payable to the county in which the vacated plat is located.

You must also submit original current County Tax certificates showing that the previous year's taxes have been paid in full. Tax certificates may be obtained from:

- Hays County: Hays County Tax Assessor Office, 102 N. LBJ Dr., San Marcos;
- Travis County: Travis Central Appraisal District, 8314 Cross Park Drive, Ausitin, Texas, 78754.
- Williamson County: Williamson County Tax Assessor/Collector Office, 904 S. Main St., Georgetown.

Williamson County also requires an owner's affidavit (which can be provided by staff).

Once the staff has all the required items, including the recording fees, the vacation document is taken to the County and recorded (this usually takes 2-4 business days). Only City staff can take the document to the County or pick it up after it is recorded. When the recorded document is returned to the City, it is scanned into the AMANDA database and placed in the file. You can request a copy from the case manager.

SUBMITTAL REQUIREMENTS

The requirements for submittal are listed on page 2 of this packet. It is recommended the vacation document be prepared by an attorney; a sample is attached as Exhibit A.

APPLICATION FEES

Information on fee requirements for total/partial vacations can be obtained by referring to the latest fee schedule, available at One Texas Center, 505 Barton Springs Road.

PRE-APPLICATION MEETING:

To facilitate the processing of your application, a pre-application meeting with a subdivision planner in the Development Assistance Center is encouraged.

APPOINTMENTS

Appointments are encouraged and should be made if you wish to see your Project Manager or other staff.

PROJECT MANAGER

It is the role of the Project Manager to act as liaison between you and the city of Austin and to function as your main point of contact. Once your application has been submitted, any questions, problems, conflicts, etc. should be directed to the

project manager.

REVIEW TIME

After a complete application is submitted, the review time is 14 calendar days. If no problems exist, the Project Manager will then schedule the vacation for the next available Planning Commission agenda.

RECORDING

After approval by the Planning Commission, you will be required to submit fees for recording the vacation document. The amount is determined by the number of pages to be recorded and the check should be made payable to the county in which the vacated plat is located.

ETHICS AND FINANCIAL DISCLOSURE INFORMATION

If you or your agent/representative were a City employee or City official within the past 24 months, you may be subject to the Ethics and Financial Disclosure Ordinance (860717-X). Copies of this ordinance are available from the City Clerk's Office.

BUILDING, DEMOLITION, AND RELOCATION PERMITS

The applicant is responsible for requesting building, demolition, and relocation permits once the site plan is approved. However, the City's Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval.

If a building meets the City's historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property. Please contact the Historic Preservation Officer at (512) 974-2414 for additional information.

SUBMITTAL CHECK LIST

- _____ 1. Completed Subdivision Vacation application form.
- _____ 2. Executed and notarized vacation document. (See Exhibit A) It is recommended that the vacation document be prepared by an attorney
- _____ 3. Current tax certificate(s) for lot(s) or plat to be vacated.
- _____ 4. Copy of Owner's deed(s) showing ownership of lot(s) or plat to be vacated.
- _____ 5. Six folded copies of plat to be vacated (or plat containing lot(s) to be vacated)
- _____ 6. Submittal fee.

SUBDIVISION VACATION APPLICATION FORM

PROJECT INFORMATION: DEPARTMENTAL USE ONLY

FILING DATE: _____ FILE NUMBER: _____
DUE DATE: _____ CASE MANAGER: _____
APPLICATION ACCEPTED BY: _____

NAME AND LOCATION

SUBDIVISION NAME: _____
SUBDIVISION FILE NUMBER: _____
STREET LOCATION (ADDRESS): _____ AT _____ CROSS STREET
OR: _____ Distance in _____ Direction from Intersection of _____ and _____
JURISDICTION (CHECK ONE): FULL PURPOSE: _____ LIMITED PURPOSE: _____ ETJ: _____ (COUNTY: _____)
DOES THIS SITE CURRENTLY HAVE ANY OF THE FOLLOWING: ELECTRIC METER _____, WATER TAP _____, or
WASTEWATER _____,
IS A REPLAT OR RESUBDIVISION APPLICATION BEING SUBMITTED CONCURRENTLY FOR THE LOT(S)
BEING VACATED? YES _____ NO _____ . IF YES, INCLUDE THE NAME OF PROPOSED PLAT: _____.

OWNER INFORMATION

OWNER NAME: _____ TELEPHONE NO. (_____) _____
STREET ADDRESS: _____
CITY, STATE AND ZIP _____

AGENT INFORMATION

OWNER NAME: _____ TELEPHONE NO. (_____) _____
STREET ADDRESS: _____
CITY, STATE AND ZIP _____

PLAT ATTRIBUTES

DO THE LOT(S) BEING VACATED RECEIVE UTILITY SERVICE? YES / NO

SPECIFIC SERVICES AND UTILITY PROVIDER(S): WATER: _____

WASTEWATER: _____ ELECTRIC: _____

HAS ANY DEVELOPMENT OCCURRED ON THE LOT(S) BEING VACATED? YES / NO

SPECIFY TYPE OF DEVELOPMENT:

HAVE PARKLAND FEES BEEN PAID FOR THE LOT(S) BEING VACATED? YES / NO

HAS A LETTER OF CREDIT BEEN POSTED FOR THE LOT(S) BEING VACATED? YES / NO

WAS A RIGHT-OF-WAY DEDICATED BY THIS PLAT? YES / NO

SPECIFY IMPROVEMENTS FOR WHICH THE LETTER OF CREDIT WAS POSTED:

HAVE THESE IMPROVEMENTS BEEN COMPLETED? YES / NO

HAS THE LETTER OF CREDIT BEEN RELEASED? YES / NO If Yes please give DATE: _____

EXHIBIT A

TOTAL / PARTIAL VACATION OF "SUBDIVISION NAME"

THE STATE OF TEXAS

COUNTY OF _____

WHEREAS, (Name of Subdivider of Existing Recorded Subdivision), owner (property description as shown in dedicated statement of existing recorded subdivision plat), did heretofore subdivide the same into the subdivision designated (name of existing recorded subdivision), the plat of which is recorded in Book , Page or Document No. of the _____ County. Texas Plat Records, and _____

WHEREAS, the following lots in said subdivision are now owned by the parties indicated, to wit:

<u>LOT</u>	<u>OWNER</u>
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WHEREAS, (list names of owners listed above) who collectively constitute the owners of all original, intact lots in (name of existing recorded subdivision) are desirous of (partially) vacating said subdivision plat so as to destroy the force and effect of the recording of such subdivision plat insofar and only insofar as the same pertains to Lot(s) .

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That (names of owners listed above) for and in consideration of the premises and pursuant to the provisions of Chapter 212.013 of the Local Government Code, does hereby vacate Lot(s) only. Said subdivision shall, however, remain in full force and effect as to all other lots in (name of existing recorded subdivision).

EXECUTED THE DAYS HEREAFTER NOTED.

<u>DATE</u>	<u>OWNER'S SIGNATURE</u>
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_____	_____
	(Enter owner's printed name)

_____	_____
	(Enter owner's printed name)

NOTARY STATEMENT REQUIRED FOR EACH SIGNATURE UNLESS ALL OR SOME OWNERS SIGN BEFORE THE SAME NOTARY. THE DATE OF EACH INDIVIDUAL NOTARY CERTIFICATE MUST MATCH THE DATE THAT APPEARS OPPOSITE THE OWNER'S SIGNATURE IN THE BODY OF THE DOCUMENT.

APPROVAL OF TOTAL/PARTIAL PLAT VACATION

BE IT KNOWN, that on the _____ day of _____, 20____, the _____ Commission of the City of Austin, at its regular meeting, did approve the total/partial _____ vacation of the subdivision known as _____, as recorded in Book _____, Page _____, _____ County Plat Records, upon application therefore by all of the owners of all of the lots in said subdivision.

EXECUTED, this _____ day of _____, 20_____.

CHAIR

Commission
City of Austin
Travis County, Texas

ATTEST:

_____, Executive Secretary
_____ Commission of the City of Austin

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to be the person whose name is subscribed to the foregoing instrument as Chairperson of the _____ Commission of the City of Austin, Texas, a municipal corporation, and she/he acknowledged to me that she/he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 20_____.

SEAL

Printed name _____
Notary Public in and for the State of
Texas

My commission expires: _____

STATE OF TEXAS

COUNTY OF TRAVIS

On _____, 20____, the Travis County Commissioners Court approved the total
cancellation of the subdivision known as _____, as
described above.

EXECUTED, this _____ day of _____, 20_____.

Dana Debeauvoir, County Clerk
Travis County, Texas

By: _____
Deputy